



STANDARDS

Committee

20th April 2011

MINUTES

Present:

Independent Members:

- D Andrews (Chair)
- M Collins (Vice-Chair)
- B Warwick, Malcolm Hall, Derek Taylor and Antonia Pulsford

Feckenham Parish Councillor:

Antonia Pulsford

Officers:

C Flanagan and D Parker-Jones

Committee Officers:

I Westmore

19. APOLOGIES

Apologies for absence were received on behalf of Borough Councillors Anita Clayton and Andy Fry and Parish Councillor Louisa Venables.

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 13th October 2010 be confirmed as a correct record and signed by the Chair.

22. CHANGES TO THE ETHICAL FRAMEWORK FOR MEMBERS - LOCALISM AGENDA

Members received a report which had initially been drafted for the consideration of the County Council and which had subsequently

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Chair

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formed the basis of a discussion between County and District Council Monitoring Officers from across Worcestershire.

The report set out a number of matters which might require consideration in the light of the proposed changes to the Standards regime nationally. A key point that was brought to the attention of members of the Committee was the requirement to maintain high ethical standards without the statutory requirement for a Code of Conduct or a specific framework for maintaining such standards. Officers reported that the view County-wide amongst Monitoring Officers was to maintain a degree of consistency within Worcestershire, particularly given the numbers of individuals who were Members of more than one authority.

Other significant changes brought about by the proposals included a change to the status of any Independent Members who were thereafter appointed to local successor bodies to the statutory Standards Committees. In the future such Members would only be able to fulfil the role of non-voting co-opted members on any new decision-making body. The arrangements for Parish Councils would also change in that it was proposed that the District Monitoring Officer would no longer have responsibility for ethical conduct within Town or Parish Councils within their District boundaries.

The removal of the sanctions open to Standards Committees at the present time was highlighted as was the inability of Councils to re-introduce equivalent sanctions under any new general powers of competence introduced under the Localism Bill.

Members were somewhat concerned at the proposals contained within the Bill. There was general agreement that the existing regime was well-intentioned but unnecessarily rigid, prescriptive and burdensome in respect of timescales and resources. However, it was considered that the reasonable aspects of the regime were also being lost alongside those more onerous aspects. The Committee had a number of particular matters which they believed should be taken into account in the light of the removal of the existing regime, as follows:

- The adoption of a voluntary Code of Conduct to replace the existing Code was regarded a critical means of ensuring that standards of ethical conduct were maintained;
- The adoption of a county-wide voluntary Code and standards framework was considered to represent an efficient and practical means of ensuring that elected Members were supported in maintaining good ethical standards;
- The creation of a simplified process featuring an increased role for the Monitoring Officer in the filtering of complaints and a

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move away from an elongated Sub-Committee process was seen as important in restoring confidence in the standards regime as a practical means of maintaining ethical standards;

- The importance of a public hearing as a final stage in the process was seen as important given that one of an elected Member's most important assets was their credibility;
- The model which was regarded as most suitable for supporting the maintenance of good ethical standards was that of a non-decision-making advisory committee including Independent members and reporting to full Council.

RESOLVED that

- 1) the proposed changes to the ethical framework for Members be noted; and**
- 2) Officers note the comments of the Committee, as set out in the preamble above, on an appropriate way forward for the Council, should the provisions of the Localism Bill be enacted.**

23. MONITORING OFFICER'S REPORT

The Deputy Monitoring Officer updated the Committee on the cases that were currently going through the Standards system. It was noted that two cases had been resolved since the previous meeting of the Committee and that one case was still outstanding.

The Committee was also made aware of the views of Councillor Anita Clayton on the present Standards regime as it was conducted by Redditch Borough Council as she was unable to be present in person. It was conceded by Officers that there had been some apparent delay in disposing of cases but this was to be seen in the context of the nationally accepted timescales for taking a case through from beginning to end. The highly prescriptive guidance and processes established by Standards for England provided little scope for conducting investigations and hearings particularly expeditiously and local capacity-related problems had compounded the inherent difficulties.

It was suggested that, should the Council continue to operate a Standards regime once the current arrangements had ended, there would be scope to firstly filter any complaints that arose through the Deputy Monitoring Officers and, more generally, to simplify the process, thus avoiding some of the time-related problems that were the cause of some concern.

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RESOLVED that

the report of the Monitoring Officer be noted.

24. CHAIR'S / MEMBERS' REPORTS

There were no reports from the Chair or Members of the Committee.

25. PARISH COUNCIL REPORT (IF ANY)

There was no report from the Parish Council representatives, other than to note the lack of a need for a Parish Council election in May given the want of nominees to fill the seats available.

26. PUBLICATIONS

There were no publications to consider.

27. WORK PROGRAMME

Given the ongoing changes to the Standards regime, it was suggested that the Committee Work Programme be kept open-ended for the present.

RESOLVED that

the Committee Work Programme be noted.

The Meeting commenced at 7.00pm
and closed at 8.11pm

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Chair